

**SOUTH CAROLINA DEPARTMENT OF ADMINISTRATION
POST-TERI AND POST-RETIREMENT POLICY**

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I. Policy

Re-employment of post-TERI and post-retirement employees may occur under certain circumstances. This policy sets forth guidelines on the re-employment of Department of Administration (Department) employees following the full retirement in the South Carolina Retirement Systems (SCRS) or at the conclusion of the Teacher and Employee Retention Incentive (TERI) program.

II. Guidelines

A. Reemployment

Post-TERI and other employees retired from the Department of Administration may be re-employed in classified FTE positions, time-limited and temporary grant positions following completion of a competitive selection process. Post-TERI and post-retirement employees may be employed in temporary positions for up to one year.

B. Retirement Contributions

Post-TERI and other employees who retired from positions in South Carolina state government who are re-employed in temporary or FTE positions are required by state law to contribute to the SCRS or the PORS. The agency is required to pay its portion as well.

C. Leave Accrual

Employees rehired in FTE positions, time-limited and temporary grant positions may earn annual and sick leave in the same manner as other employees; however, temporary employees do not accrue annual or sick leave or have paid holidays.

D. Grievance Rights

Post-TERI or post-retirement employees do not have grievance or reduction-in-force rights, and may be terminated at any time, with or without cause, at the discretion of the Office/Division Director with concurrence from the Department's Human Resources Director.

E. Waiting Periods

1. Retirees from South Carolina state government who did not participate in the TERI program must wait 30 consecutive calendar days before returning to state employment that is covered by SCRS. Failure to wait the 30 consecutive calendar days will result in suspension of retirement payments while the retiree remains employed by the covered employer.
2. For TERI retirees, time participating in the TERI program counts toward the 30 consecutive calendar day waiting period; however, a post-TERI retiree must be off the payroll for at least one work day prior to re-employment.

F. Salary of Post-TERI/Post- Retirement Employees

1. There are no earnings limitations associated with post-TERI or post-retirement re-employment if the employee entered TERI or retired before January 2, 2013. For retirements on or after January 2, 2013, a retiree may return to work after being retired for 30 days and receive a benefit subject to a \$10,000 earnings limitation; however, the \$10,000 limitation does not apply if the retiree was at least 62 years of age at retirement or has returned to certain elected or appointed positions.
2. Salaries upon rehire will be based on the duties and responsibilities of the position, state and Department average salary for the classification, salary range, market data, and internal equity.
3. In the event that a post-TERI or post-retirement employee is re-employed into a classified FTE position, the salary must be approved by Office of Administrative Services-Human Resources and the Division of State Human Resources if it is above the midpoint of the pay range. Former Executive Compensation System employees re-employed in FTE Executive Compensation positions must have their salaries approved by the Department of Administration if the salary is above the midpoint of the pay range.

G. Advertising Post-TERI/Post-Retirement Positions

1. All classified FTE positions are posted in compliance with the S.C. Code of Laws and the policies of the Department of Administration. Employees, including post-TERI and post-retirement employees, may apply for any advertised vacancy.
2. Hard-to-fill or critical positions occupied by a TERI employee may be posted up to six months prior to the TERI end date.
3. Unclassified positions are exempt from posting requirements but may be posted at the discretion of the agency.

H. Knowledge Transfer/Succession Plans

1. When a TERI employee occupies a hard to fill or critical position, the manager must develop a knowledge transfer plan prior to the employee leaving the agency. Knowledge may be transferred to existing employees or to a replacement employee who may be hired in advance of the retiring employee's departures.
2. If a post-TERI or post-retirement employee is rehired due to their unique knowledge or skill-set, the hiring manager must develop a knowledge transfer plan for the returning employee.
3. The knowledge transfer plan must include what knowledge is to be transferred, the strategy for transferring the knowledge, and the timeline for shifting responsibility for the task or job function associated with the knowledge.
4. Office/Division Directors may require managers to provide them with a succession plan for their area when their work unit has at least one employee within 2 years of retirement. This is mandatory when the position(s) is identified as hard-to-fill or critical.

III. Policy Exceptions

- A. Exceptions to this policy will be rare and only for critical positions/situations.
- B. Exceptions must be approved by the Executive Director.